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c/a or month of dHON. RICHARD BRODHEAD, OF PA.,
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IN THE SENATE OF THE UNITED STATES, MARCH 15, 1852,

ON THE

PUBLIC LANDS—GRADUATION AND REDUCTION OF THE PRICE THEREOF,
PREFERABLE TO GRANTS OF ALTERNATE SECTIONS TO AID IN THE
CONSTRUCTION OF RAILROADS—GRANTS TO ACTUAL SETTLERS,
CESSION TO THE STATES, &c., BRIEFLY CONSIDERED.

Mr. BRODHEAD said:

It is not my purpose, Mr. President, to make what is called a regular speech. As the votes are about to be taken on this model and pioneer bill, I only design, briefly, to explain those I am about to give, and the substitute I am about to propose. The points and propositions which will control my action upon this and the many other similar bills granting alternate sections of the public lands, five miles on each side of the road, (and doubling the price of those retained,) for the purpose of aiding in the construction of railroads, I may discuss fully hereafter. I will do little more than state them now.

Much interest is felt not only in the new, but in the old States, in regard to the public lands. Now that the slavery question seems to be settled, agitation in regard to the public lands has commenced. A contest between the old and the new States, now threatened, should be avoided, and the questions settled upon just, equitable, and constitutional principles.

I cannot vote for these alternate-section railroad bills for several reasons, although I would like to do so very much to accommodate the amiable, talented, and accomplished representatives from Iowa, [Messrs. DODGE and JONES,] whose bill is now under consideration. I feel embarrassed, because my heart is on one side and my judgment and duty as a Senator on the other.

Five propositions are now before Congress upon the subject of the public lands. Debate has been had upon all, and bills submitted to carry some into effect:

1. To grant alternate sections to aid in the construction of railroads. Fifteen millions of acres per annum would thus be taken for years to come.

2. To divide them in kind among all the States—the old States taking

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as much as are given to the new ones, for purposes of internal improvement.

3. To give them to actual settlers. About four millions of acres per annum would thus be taken. Adopt this plan, and continue the issue of land warrants now authorized by law to the soldiers, and very little revenue will be received from the sales of the public lands, and the expenses of the land system will be thrown upon the Treasury.

4. To cede them to the States in which they lie.

5. To graduate and reduce the price.

These alternate-section bills do not commend themselves to my favorable consideration, because—

1. They connect this Government with a system of internal improvements which, in my opinion, involves a necessity for a latitudinous construction of the Constitution violative of its principles. They provide for an internal-improvement system in disguise. It is an oblique mode of legislation.

2. These bills, if passed, will derange our admirable land system, which has worked so well for many years past, and bring numerous applicants here for years to come. They are local and partial in their character, and will change the course of settlement from one part of a State to another. They do not provide *general* "rules and regulations."

3. They assert the principle that this Government can aid works of internal improvement in States where there are public lands, and cannot where there are none.

4. In point of fact, they provide for a *partial* distribution of the public lands injurious to the old States, and portions of the new ones, through which the roads do not pass. Besides, they facilitate the creation of monopolies; for as soon as the grants are made to States, as in the case of the Illinois grant, they are forthwith transferred to railroad companies.

5. The public lands have cost this Government, composed of all the States, large sums of money, and large sums have been received therefor. The records show that we have received nearly as much as we have paid out, provided the Indian annuities, and Indian department, and Indian wars, are not taken into consideration. The account is pretty nearly balanced, and there remains vast quantities unsold. It is estimated that we have about fourteen hundred millions of acres, including the Indian territory, undisposed of. In view of the increasing strength of the western country, and of the fact that many of our lands have been a long time in market, and the States cannot tax them; and in view of many other considerations, I think it is proper to graduate and reduce the price thereof, not only to actual settlers, but generally.

6. Graduate and reduce the price of the public lands, and leave the construction of railroads, &c., as in the old States, to State and individual enterprise. This plan is simple: it furnishes cheap homes to poor settlers, promotes good feeling among the States, abates the tendency to centralization, prevents monopolies, and is free from constitutional objections. Our land system presents other questions besides those of money and finance.

These are some of the large objections which I have to these alternate-section bills. They are decided, radical, and constitutional, and such as

in my judgment outweigh any considerations of public policy which may be urged in their behalf.

My objections, if good, are equally decisive against the amendment of the honorable Senator from Kentucky, [Mr. UNDERWOOD.] That provides for an equal grant to the old States for purposes of internal improvement. If a grant cannot be properly made to one of the land States for purposes of internal improvement, it follows that it cannot be made to the old States, to say nothing of the propriety or impropriety of one State holding lands in another. If a division is to be made, the most unobjectionable mode, in my opinion, is to divide the proceeds of the sales of the public lands among all the States. I do not say that I favor that policy; I only wish now to be understood as saying that I prefer it to the proposition submitted by the honorable Senator from Kentucky. The lands are now indebted to the customs. It will take fifty-five or sixty millions of acres yet to satisfy the land warrants recently authorized to be issued to soldiers. Large sums are yet due the different tribes of Indians under treaties. The expenses of the land department are very heavy. All things considered, I do not believe this Government will ever receive a dollar of net revenue from lands; and therefore, if distribution is made to the States, it must be from moneys collected at the custom-houses. If all the public lands should be ceded to the States in which they lie, and we have nothing but the proceeds of the sales in the Territories, the lands, I am quite certain, will bring us annually in debt. I want the revenue from the lands to pay for their purchase, the Indian annuities, and the cost of their administration. The Post Office Department is made to support itself—so should the land department.

There may be defects in our present land system, but I doubt whether human wisdom could devise one which would thus far have worked better. We must have a general system. Time and circumstances may demand a modification of the present one. We are here to make general laws for the public good, and the fewer they are in number the better. All governments should have some settled policy. We cannot legislate in regard to particular localities. We cannot properly or wisely judge whether a railroad should run east, west, north, or south. Some of the old States might want a road to run one way—some another way. Hence questions are brought up not proper for adjudication in Congress. Why should we provide for a sale and settlement of the public lands in a particular part of a new State, and not another? There is but one rational answer to this question. Every general law will operate injuriously in particular cases, and therefore complaints may seem to be justly made; but it should be remembered that it is much easier to point to defects than to devise remedies, to touch blemishes than to extract them, to demolish an edifice than to erect a convenient substitute.

If we should cede the public lands to the twelve States in which they lie, we would still be obliged to keep up the land and Indian departments for the Territories. A cession would not, therefore, much diminish the expenses; nor would it, in my opinion, much more benefit the new States than to graduate and reduce the price. If the new States were to take them, they would be obliged to incur the expense of their administration. Besides, one State would adopt one system, and another

State another. The good of the country does not require at present so rash a disruption of the present system. These twelve land States now ask a cession to them of the public lands within their territorial limits. Some of the old States refuse, and demand that the proceeds of the sales thereof be divided among all. Men sometimes display great wisdom in making concessions at the proper time, where principle is not concerned. Charles I. had no wisdom of this sort, and lost his head; George III. did not know when to yield a little, and lost his colonies. The manufacturers made a great mistake in not accepting McKay's tariff bill in 1844, for in 1846 one was passed far more objectionable to them. It seems to me that the Representatives of the old States ought now to agree to graduate and reduce the price of the public lands; and the Representatives of the new States ought to give up these numerous railroad projects, by means of which they expect to get most of the public lands, and break up the present land system.

The bill under consideration is called "A bill granting the right of way and making a grant of land to the State of Iowa in *aid of the construction of certain railroads in said State.*" To the grant of a right of way I have no objections. That would be a valuable grant in the old States. The real object of the bill is indicated in the title—to wit: "to aid in the construction of railroads." It will not do to call a plan to aid in the construction of railroads a measure to settle and improve the public lands. That is begging the question, and the assumption of the main point in dispute. That would be making the incident greater than the principal. Those who come here to get these bills passed, in order to have them go into the hands of corporations, have no surplus love for the poor settlers. I wish to call things by their right names in legislation; that is the way to let the people know what we are doing. If it is right for us to build a railroad, or to aid in building one, let us do it at once, not by indirection. These bills not looking *directly* to, and having for their *primary* object a sale and settlement of the public lands, it follows, as a matter of course, that they involve the Federal Government in a system of internal improvement—opposition to which has now become a fundamental article in the creed of the Democratic party. We all know when a breach is once made in a constitution or a great principle, how easily and how speedily it is widened. Last year one bill of this sort passed, and now ten or fifteen are proposed, asking ten or fifteen millions of acres. Next year the number will be the same, if not greater.

Every intelligent man who has witnessed the working of the Federal Government must see the tendency to consolidation. The States seem to be fast becoming mere corporations, looking to the Federal Government for support. Congress is constantly besieged to overstep its legitimate powers. Annually hereafter grants of land will be asked, until all is exhausted in the States, and then applications will come from the Territories. Wherever there is power, there seems to be a disposition to use and abuse it. All admit that a strict construction of the Constitution—a forbearance to exercise any power except where an express grant for it can be found in the Constitution—is necessary to the preservation and perpetuity of this Government; and yet the restrictions and

limitations of the Constitution seem to be of no avail when ambition prompts or interest leads the way. We have a Government formed of external and internal sovereignties. The general and great purposes of the Union are to protect us against foreign invasion, to defend us against commotions and insurrections, and to regulate our intercourse with foreign nations. All other matters, with few exceptions, in the machinery of our Government are left to the States. If this doctrine of strict construction can be enforced, Congress will no longer be besieged by jobbers, contractors, and speculators, and people will cease to think that the world can be legislated into the millennium. If discord among the States, rebellion, and anarchy, shall ever destroy this fair land, it will be because this Government has assumed powers not granted by the Constitution. Look at the fearful ratio of increase of expenditure upon the part of this Government. But a few years ago the annual expenses only amounted to about thirty millions of dollars, now they are over fifty millions. It seems almost impossible to resist those who come here to capture the public Treasury or appropriate to themselves the public lands.

It is said, however, in answer to constitutional scruples, that it has been the practice of the Government to grant alternate sections to aid in the construction of canals and the improvement of rivers. Precedents are cited, and the aid of great names called in. Sir, I admit the precedents, but deny their force. Precedents! Why, they can be found in this Government for anything and everything. They rise up like Banquo's ghost. Our evil deeds live after us. We are not in *Westminster Hall*, however, where precedents are considered binding. Great names are brought forward. Mr. Calhoun's opinion has been cited. Upon what great question of constitutional construction have not our great statesmen been about equally divided?—and some of them have been found upon both sides of the same question. Take the questions of the bank, tariff, internal improvements, sub-treasury, slavery, &c., and I can show the opinions of statesmen equally eminent on both sides. I therefore think it my duty to read the Constitution for myself; and if I am in doubt, I go on the side which gives least power to the General Government, and most to the States. I confess that I prefer the opinions expressed by President Polk in his celebrated veto message of the river and harbor bill, to those of any other statesman upon the subject of internal improvements.

The Constitution gives Congress "power to dispose of and make all *needful* rules and regulations respecting the territory and other property belonging to the United States." The bills we are called upon to pass, do not purport to make any general "rules" (and all rules we make here should be general) respecting the public lands. Who will deny the correctness of this proposition? If we authorize railroads through the different land States, and change the price sometimes within five and sometimes within fifteen miles of the roads, every one must see that speculation, injustice, and endless confusion and litigation must be the result. If we grant lands to aid one railroad, we must make grants to aid all other projected roads. We make rules—in other words, we make laws—with a view to dispose of the public lands—not with a view

to construct railroads and canals. Besides, what right have we to make rules which will promote the sale and settlement of the public lands in one section of a State, and not in another? Who will say that this question is not properly put? Every man of experience, it seems to me, must see the confusion, beneficial only to speculators, to which such a policy would lead. And again: everybody knows that nearly all the lands upon the line of these roads have been sold. Why, then, call it a bill granting alternate sections, when it is well known that they will be obliged to go off ten or fifteen miles from the line of the road to get the required quantity—to wit, five miles on each side of the road?

It has been said, and intimated again and again, that this Government and the old States have acted unjustly toward the new States. I cannot admit the fact. By compacts with the new States upon their admission into the Union, five per cent. of the net receipts of the sales of the public lands is set apart for the use of such States. Three per cent. is to be annually paid to the respective (new) States, and two per cent. to be used in constructing roads to and through them. In most instances, however, the whole five per cent. has been paid to the new States. Out of this three and two per cent. fund over \$4,000,000 have been paid to the new States. Nearly \$6,000,000 more were expended in constructing the Cumberland road, to and through the public lands. The General Government paid the expenses of each State while a Territory, and gave each a kind of outfit. Besides, over twenty millions acres of the public lands have been given to the new States for common schools, universities, seats of government, salines, deaf and dumb asylums, &c.

And again: as an evidence that this Government has extended a kind and liberal hand to the people of the West and Southwest, look at their past, present, and prospective growth in all the elements of individual, social, and national wealth and prosperity. It is unexampled in the history of nations. Every stroke of the woodman's axe beyond the Mississippi seems to enlarge their dominion and augment their power. To no one does this prosperity afford more sincere pleasure than to myself. It is a great and glorious spectacle to see the human family thus going out, not lawlessly, but under the benign influences of our Government, to cultivate and subdue the earth, and peaceably to possess its broad patrimony. I would not deal grudgingly with such a people. For many reasons, which I might state, I believe they will do as much, if not more than any other portion of our people to preserve and perpetuate this Government. They must trade in the East, and hence the preservation of the Union is necessary for them. We ought to adopt a liberal policy towards those who lead the way in bringing into subjection the wild and unbroken lands of the wilderness. Hence I bring forward this measure to graduate and reduce the price of the public lands, (in lieu of these railroad projects,) which will operate beneficially to the hard-working pioneer, and cut up the schemes of speculators by the roots. It must be apparent to all that we must choose one measure or the other. I prefer the graduating one. It is the only one which, in my opinion, can pass the House. The more landholders we have, the greater the security for our present form of government. Besides, the

rights and interests of the laboring classes should be looked to and cared for. If there is no place where they can obtain land cheap, the supply of labor in the old States will become greater than the demand, and then wages will be forced down as they are in Europe. The evils of a redundant population should be avoided, especially in a Republic. I would like to see every laboring man have a *home* which he could call his own, and which he has purchased, however cheap. Men, in this country, though poor, do not like to live upon the charity of their neighbors, or upon the bounty of their Government. I am willing that the Western people should go on prospering and complaining. Prosperity in the West benefits the East. They can make larger purchases of manufactured articles, and, besides, they must bring their products over our railroads and canals. The interests of all are reciprocal. That great philosopher and statesman, (*Thomas Jefferson*,) who looked further behind and further before him than any other man of his day, made a remark which may well be applied to the Western people and western States:

“So we have gone on,” (are his words,) “and so we shall go on, puzzled and prospering beyond example, and shall continue to *growl*, to *multiply*, and to *prosper*, until we exhibit an association powerful, wise, and happy beyond what has yet been seen by man.”

Those who ask the passage of these bills complain that public lands have been a long time in market, and have not been sold, and that it ought to be a part of the policy of the Government to adopt measures to promote sale and settlement. I admit that a large part of the public domain has been a long time in market; but the reason for it is apparent. The records show that the supply is greater than the demand. We survey and bring annually into market about 12,000,000 of acres, and the annual demand is about 3,000,000. If we pass all these railroad bills, we will only be able to sell about half that quantity, because the States or railroad companies to whom these grants are made will supply the other half. It has always been a part of the wise policy of this Government, I admit, to promote the sale and settlement of the public lands. General Jackson, as far back as 1832, well said in his annual message of that year:

“It cannot be doubted that the speedy settlement of these lands constitute the true interest of the Republic. The wealth and strength of a country are its population; and the best part of the population are the cultivators of the soil. Independent farmers are everywhere the basis of society and true friends of liberty. It seems to be our true policy that the public lands shall *cease*, as soon as practicable, to be a source of revenue.”

Hence I now propose the graduating policy as better calculated to accomplish that purpose than these railroad schemes. Lands which have only been in market ten years sell for \$1 25, the present price of all; those which have been in market over ten, and not exceeding fifteen, sell for \$1; those in market for fifteen, and not exceeding twenty, eighty cents; those in market twenty, and not exceeding twenty-five years, sell for sixty cents per acre; those in market for twenty-five, and not exceeding thirty years, sell for forty cents per acre; and those in market more than thirty sell for twenty cents. The bill I propose also makes provision for preëmptioners.



It is only on the ground that these railroad bills will promote sale and settlement, that their constitutionality is justified; and I therefore submit that, waiving the constitutional question, the measure which I advocate as a substitute would be much more efficient in promoting that object, as well as more just and equitable to all parts of the country. Its constitutionality is admitted by all, and it is the only measure which I think can pass the House of Representatives. I offer it as a compromise measure.

It is urged, as another reason in favor of these bills, that it would be unjust to permit the new States to construct railroads whereby the value of the public domain would be augmented, without making some adequate compensation. It is said that the United States is a great land proprietor, and should aid in improving the country and its own lands. Now, sir, there is a perfect answer to this argument. Does not every railroad and canal made, from the Atlantic border to the western waters, improve the price of the public lands? Therefore, if the new States are to be compensated, the old States should also be compensated, and the General Government would have little else to do than to adjust balances. Pennsylvania would come in for a large share, for she has incurred more debts in the construction of railroads and canals leading to the West than any other State in the Union.

It is further urged, as an argument in favor of these bills, that the Government, although it grants alternate sections five miles on each side of the roads, makes money by the operation, because it doubles the price of those retained, and thus promotes sale and settlement. Now, although this is true to some extent, it is not a better measure than the one I propose; besides, it is liable to the many objections which I have stated.

But, if the construction of these railroads do thus enhance the value of the public domain, why do not those who desire to construct them enter and take up *all* the land through which they pass at the minimum price before they begin the work, and thus the increase in value will inure to their own advantages, and not to that of the Government. Those who wish lands can therefore sequester them for their own use.

But the practical operation of these grants, as exemplified in the case of the grant at the first session of the last Congress to Illinois, is this: the grant is made to the State, and forthwith a company is incorporated, the grant transferred to the company, and thus a railroad company becomes the owner of vast bodies of land, mortgages the same, and thus constructs the road. I do not think the General Government ought thus to lend itself to create facilities for the multiplication of incorporated companies. On Saturday last, I observed by the papers, a complimentary dinner was given at one of the hotels in this city, by a committee of this Illinois railroad company to the Illinois delegation in Congress, in honor of their success. They came here, no doubt, to return thanks for the patronage of the Federal Government.

I have thus, Mr. President, briefly, though I fear imperfectly, stated my views upon the important subject now under consideration. I have studied language to ascertain with how few words I could state facts and arguments and make myself understood: The Senate and my constituents will judge with what success upon this occasion.

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